

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH FRANKLIN MONKAM NITCHEU,
individually and on behalf of all others similarly
situated,

Case No.: 1:21-cv-02262-ALC

Plaintiff,

v.

BIT DIGITAL, INC., MIN HU, and ERKE
HUANG,

Defendants.

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STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiff Joseph Franklin Monkam Nitchou (“Plaintiff”) commenced the above-captioned putative securities class action (the “Action”) on March 16, 2021, against Defendants Bit Digital, Inc., Min Hu, and Erke Huang (collectively, “Defendants”, and together with Plaintiff, the “Parties”) (*see* Doc. No. 1 (the “Complaint”));

WHEREAS, on March 16, 2021, Plaintiff filed a Related Case Statement (Doc. No. 3) informing the Court that this action is related to the action styled *Anthony Pauwels v. Bit Digital, Inc. et al.*, No. 1:21-cv-00515 (ALC) (the “*Pauwels* Action”);

WHEREAS, on January 26, 2021, a Related Case Statement was filed in *Yang v. Bit Digital, Inc. et al.*, No. 1:21-cv-00721 (the “*Yang* Action” and, together with this Action and the *Pauwels* Action, the “Related Actions”), informing the Court that the *Yang* Action is related to the *Pauwels* Action;

WHEREAS, because the Related Actions assert claims under the Securities Exchange Act of 1934, 15 U.S.C. § 78a *et seq.*, they are subject to the procedures set forth in the Private Securities Litigation Reform Act of 1995 (the “PSLRA”);

WHEREAS, the PSLRA provides for, among other things, determination of whether consolidation of the Related Actions is appropriate and, thereafter, the appointment of a Lead Plaintiff and their selection of Lead Counsel to oversee the Related Actions, *see* 15 U.S.C. § 78u-4(a)(3)(B)(i)-(ii) & (v);

WHEREAS, on January 20, 2021, pursuant to the PSLRA, counsel for plaintiff in the *Pauwles* Action caused a notice to be published via national wire service announcing the pendency of the *Pauwels* Action against the Defendants (the “Notice”), *see id.* § 78u-4(a)(3)(A)(i)(I);

WHEREAS, pursuant to the Notice and the statutory deadline set forth in the PSLRA, Lead Plaintiff motions were due to be filed on or before March 22, 2021, by which date any member of the purported Class in the Related Actions may move to serve as Lead Plaintiff, *see id.* § 78u-4(a)(3)(A)(i)(II) & (ii);

WHEREAS, motions to consolidate the related actions and to serve as Lead Plaintiff were filed by Plaintiff and by Andre Johnson;

WHEREAS, following determination on whether the Related Actions should be consolidated and the appointment of a Lead Plaintiff, the Parties anticipate that the appointed Lead Plaintiff and their selected Lead Counsel will designate either one of the initial complaints filed in the Related Actions, an amended complaint, or a consolidated amended complaint as the operative complaint in the Related Actions;

WHEREAS, the Parties have conferred regarding service and the potential filing of an amended complaint or consolidated amended complaint, and any response thereto, and agree that it would be more efficient to extend the time to answer, move against, or otherwise respond to the Complaint in this Action until after the Court’s appointment of a Lead Plaintiff;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel to the Parties, as follows:

1. Undersigned counsel for Defendants is authorized to accept, and hereby does accept, service of the summons and Complaint in this Action on behalf of all Defendants, without prejudice to or waiver of any of Defendants' defenses, objections, or arguments, except as to sufficiency of service of process.
2. Defendants' time to answer, move, or otherwise respond to the Complaint filed in the Action is extended until after the Court appoints Lead Plaintiff and Lead Counsel for the putative Class, and Lead Plaintiff serves an amended complaint, a consolidated amended complaint, or designates one of the initial complaints in the Related Actions as the operative complaint.
3. After the Court has appointed Lead Plaintiff and Lead Counsel for the putative Class, counsel for Defendants will confer with the court-appointed Lead Counsel to establish a schedule with respect to filing an amended complaint or a consolidated amended complaint, and any responsive pleadings or motions, and will jointly submit the same to the Court.

Dated: New York, New York
April 2, 2021

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Attorneys for Defendants

So Ordered on this ___ day of _____ 2021:

Hon. Andrew L. Carter, Jr.
United States District Court Judge